

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

APPLE OF HIS EYE, INC.,)	Case No. :	_____
STEVE COHEN, in his individual)		
capacity, and ALAN)		
BUTTERWORTH, in his)		
individual capacity,)		
)		
Plaintiffs,)		
vs.)		
)		
CITY OF ST. LOUIS, MISSOURI,)		
a political subdivision)		
of the state of Missouri,)		
)		
Defendant.)		
)		

**ORDER GRANTING PLAINTIFFS' MOTION TO WAIVE POSTING A SECURITY
BOND TO OBTAIN A PRELIMINARY INJUNCTION**

THIS MATTER, having come before this Court upon Plaintiffs' Motion to Waive Posting a Security Bond to Obtain a Preliminary Injunction, and being otherwise fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** that:

Findings and Adjudication:

1. The facts set forth in this Order are supported by Plaintiffs' Motion to Waive Posting a Security Bond to Obtain a Preliminary Injunction.

2. The Plaintiffs have moved this Court for a Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65.
3. Pursuant to Federal Rule of Civil Procedure 65(c), this Court has the discretion to determine the necessity of posting security and the amount thereof.
4. In this instance, the Plaintiffs are receiving *pro bono* representation to uphold their constitutional rights and the posting of security would work an undue hardship upon the Plaintiffs.
5. Plaintiffs do not have the financial means to post a security in order to protect the constitutional freedoms at jeopardy in this action.
6. Requiring the Plaintiffs to post security prior to obtaining a Preliminary Injunction would effectively deny the Plaintiff access to judicial review for the deprivation of their constitutional rights.
7. The public interest would best be served by waiving the requirement that the Plaintiffs post security and minimal harm, if any, would result to the Defendant by the imposition of the Preliminary Injunction.

FOR THE FORGOING REASONS, Plaintiffs' Motion to Waive Posting a Security Bond to Obtain a Preliminary Injunction is hereby **GRANTED**;

DONE and ORDERED in chambers, this 1st day of May, 2008.



Judge